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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,077	12/02/2003	Rolf Wahlstrom	19877.0026	2704

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VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER

IZAGUIRRE, ISMAEL

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,077

Applicant(s)

WAHLSTROM, ROLF

Examiner

Ismael Izaguirre

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/2/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

SPECIFICATION

Abstract

The abstract of the disclosure is objected to because of its length. An Abstract should be limited to no more than 150. Correction is required. See MPEP § 608.01(b).

CLAIMS

Summary

Claims 1 and 7 are the independent claims under consideration in this Office Action.

Claims 2-6 and 8 are the dependent claims under consideration in this Office Action.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 2 and 8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 2, line 4, the terms "s-w" have no clear meaning.

Reincorporating the deleted letters "s" and "w" with their defining language would help.

Referring to claim 8, in line 1, the words "the use of the gripper hook" are included however, no method steps for using the gripper hook are defined in the body of

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this claim or the independent claim are found. This is confusing. Further, the words "in order to permit the use of a bobbin basket made entirely of plastic material" are unclear. The use of the gripper hook is undefined and it is unclear how particularly using a gripper hook defines the "permitting of the use" of a plastic bobbin basket made of plastic. It is unclear what structure of the gripper hook allows plastic to be used. Positively defining the bobbin basket as being made of a plastic material would simplify the issues here.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Mitchell (4,009,670).

Mitchell teaches a gripper hook 18 (figure 2, for example) in a lockstitch sewing machine (from column 2, line 28). The sewing machine includes a frame, a vertical needle 20, a stitch plate (normally on bed 12, figure 1) and an under housing which accommodates the hook, a bobbin basket 25 which accommodates a lower thread bobbin 36. The basket includes a needle-supporting aperture 30 on a sidewall uppermost part thereof and a position finger slot 29 for arresting movement of the basket. The rotating hook including a cylindrical side wall (figure 3, for example) with a

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gripper hook hoop defining and supporting the basket flange 26 within its raceway. The gripper hook hoop and sidewall are such that their width is at least wide enough for protecting the sidewall of the bobbin basket from being struck by the needle on its movement up and down (figure 3). The needle moves up and down and the gripper hook hoop is situated such that it is aligned with the side of the needle and with the needle aperture for supporting and guiding the needle.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitchell in view of Badillo (4,858,543).

Mitchell discloses the invention substantially as claimed. See above for specific explanations of the structural details of this document. Briefly, Mitchell teaches a gripper hook in a lockstitch sewing machine where the gripper hook engages an upper thread and loops this thread around a mass of under thread. The under thread is accommodated in a bobbin which is supported by a bobbin basket. Mitchell teaches the gripper hook as including a sidewall having a width such that it supports and guides the needle as it moves up and down and places this in the proper location of the bobbin

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basket needle aperture. However, Mitchell does not suggest the bobbin basket as being formed of a plastic material.

Badillo teaches a lockstitch sewing machine (from column 1, line 8) where an upper thread is engaged by a looper hook (figure 6, for example) and the loop formed is passed over a bobbin basket (figure 1, for example), which holds a bobbin with thread. The bobbin basket includes a needle aperture 4 for providing a trajectory to the tip of the needle 104 (figure 6). A needle guard 7 is provided for avoiding clashes between the bobbin basket and the needle. The bobbin basket includes a rail system (flange) for "tracking" within the raceway of the rotating gripper hook sidewall. Further, the bobbin basket is formed a plastic material (see column 4, lines 52-56) and is accommodated within the rotating gripper hook periphery.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the rotary gripper hook of Mitchell as accommodating or permitting the use of a plastic bobbin basket. Providing such a bobbin basket would reduce the weight of the bobbin basket and yet would be accommodated within the periphery of the rotating hook being that it includes structure which permits the use of such a bobbin basket due to the "cooperating nature" of the mating structures between the bobbin basket and the rotating gripping hook.

ALLOWABLE SUBJECT MATTER

Claims 3,5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sato illustrates a bobbin basket arrangement including needle-guiding surfaces. Fujinaga et al. Illustrate a rotating hook including a hook formed in the flange area. Morgan illustrates a rotating hook having a rotating needle guard mounted thereon for guiding a needle.

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ismael Izaguirre
Primary Examiner
Art Unit 3765

II
2/19/05